

TRIBUTE TO JOSEPH ATKINS NICKERSON, JR.

• Mr. KENNEDY. Mr. President, I welcome this opportunity to pay tribute to the extraordinary life and work of Joseph Atkins Nickerson, Jr., of Chatham, MA, a retired builder and prominent local historian who passed away on November 23 at the age of 89. Joe lived his entire life in the town of Chatham. The only exception was during his service to the Navy during World War II.

Joe was a direct descendent of the founders of Chatham, and he will always be remembered for his leadership in preserving the town's history. He had an extraordinary ability to recall people, places, and dates, and his storytelling skill was legendary.

Joe was a member of numerous local sports teams in his youth, and at the age of 22 he pitched a no hit, no run, no walk, 22 strike-out perfect baseball game for the local Chatham team. He was also an original member of the Chatham Town Band, and played the clarinet beautifully in concerts and parades for over 50 years. His skills as a town musician were a great source of pride for all his family.

Joe served the town in many other ways as well. He was a volunteer fireman, a member of the School Building Committee, president and historian of the Chatham Historical Society, a founding member of the Conservation Association, president of the Boston Glass Club, and a member of the Retired Men's Club.

In recent years, Joe and his beloved wife Gerry worked together to write a book, "Chatham Sea Captains in The Age of Sail." Before he passed away he was delighted to learn that his long-awaited book would be published by History Press, Inc. of Charleston, SC, in February 2008. I am sure it will be a wonderful memorial to Joe and a delight to the people of Chatham and all of us who love Cape Cod. His remarkable life and his commitment to the community will continue to inspire us all for years to come, and we mourn the passing of this amazing son of Chatham. •

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:37 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill and joint resolution, without amendment:

S. 888. An act to amend section 1091 of title 18, United States Code, to allow the prosecution of genocide in appropriate circumstances.

S.J. Res. 8. Joint resolution providing for the reappointment of Patricia Q. Stonesifer as a citizen regent of the Board of Regents of the Smithsonian Institution.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 236. An act to authorize the Secretary of the Interior to create a Bureau of Reclamation partnership with the North Bay Water Reuse Authority and other regional partners to achieve objectives relating to water supply, water quality, and environmental restoration.

H.R. 1759. An act to establish guidelines and incentives for States to establish arsonist registries and to require the Attorney General to establish a national arsonist registry and notification program, and for other purposes.

H.R. 2930. An act to amend section 202 of the Housing Act of 1959 to improve the program under such section for supportive housing for the elderly, and for other purposes.

H.R. 3526. An act to include all banking agencies within the existing regulatory authority under the Federal Trade Commission Act with respect to depository institutions, and for other purposes.

H.R. 3690. An act to provide for the transfer of the Library of Congress police to the United States Capitol Police, and for other purposes.

H.R. 3791. An act to modernize and expand the reporting requirements relating to child pornography, to expand cooperation in combating child pornography, and for other purposes.

H.R. 4043. An act to amend the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 to preserve and expand minority depository institutions, and for other purposes.

H.R. 4252. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through May 23, 2008, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 147. Concurrent resolution recognizing 200 years of research, service to the people of the United States, and stewardship of the marine environment by the National Oceanic and Atmospheric Administration and its predecessor agencies, and for other purposes.

H. Con. Res. 251. Concurrent resolution commending the National Renewable Energy Laboratory for its work of promoting energy efficiency for 30 years.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 236. An act to authorize the Secretary of the Interior to create a Bureau of Rec-

lamation partnership with the North Bay Water Reuse Authority and other regional partners to achieve objectives relating to water supply, water quality, and environmental restoration; to the Committee on Energy and Natural Resources.

H.R. 1759. An act to establish guidelines and incentives for States to establish arsonist registries and to require the Attorney General to establish a national arsonist registry and notification program, and for other purposes; to the Committee on the Judiciary.

H.R. 2930. An act to amend section 202 of the Housing Act of 1959 to improve the program under such section for supportive housing for the elderly, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3526. An act to include all banking agencies within the existing regulatory authority under the Federal Trade Commission Act with respect to depository institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3791. An act to modernize and expand the reporting requirements relating to child pornography, to expand cooperation in combating child pornography, and for other purposes; to the Committee on the Judiciary.

H.R. 4043. An act to amend the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 to preserve and expand minority depository institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 147. Concurrent resolution recognizing 200 years of research, service to the people of the United States, and stewardship of the marine environment by the National Oceanic and Atmospheric Administration and its predecessor agencies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H. Con. Res. 251. Concurrent resolution commending the National Renewable Energy Laboratory for its work of promoting energy efficiency for 30 years; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2416. A bill to amend the Internal Revenue Code of 1986 to repeal the alternative minimum tax on individuals and replace it with an alternative tax individuals may choose.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4127. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Watermelon Research and Promotion Plan; Assessment Increase" (Docket No. AMS-FV-07-0038) received on November 27, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4128. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mango Promotion, Research, and Information Order; Amendment to Term of Office Provision" (Docket No. AMS-FV-07-

0042) received on November 27, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4129. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; Increased Assessment Rate" (Docket No. AMS-FV-07-0103) received on November 27, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4130. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Citrus Canker; Movement of Fruit from Quarantined Areas" (Docket No. APHIS-2007-0022) received on November 26, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4131. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the Department's intent to disestablish the BX Mart at the Naval Air Station Joint Reserve Base in Fort Worth, Texas; to the Committee on Armed Services.

EC-4132. A communication from the Legal Information Assistant, Office of Thrift Supervision, transmitting, pursuant to law, the report of a rule entitled "Fair Credit Reporting Affiliate Marketing Regulations" (RIN1550-AB90) received on November 26, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-4133. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13303 with respect to the Development Fund for Iraq; to the Committee on Banking, Housing, and Urban Affairs.

EC-4134. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (72 FR 61806) received on November 26, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-4135. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (72 FR 62121) received on November 26, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-4136. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 13047 with respect to Burma; to the Committee on Banking, Housing, and Urban Affairs.

EC-4137. A communication from the Chief Counsel, Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Offering and Governing Regulations for Series EE and Series I Savings Bonds, Treasury Direct" (31 CFR Parts 351, 353, 359, 360, and 363) received on November 26, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-4138. A communication from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting, pursuant to law, an annual report relative to the Foreign Bank and Financial Accounts for calendar year 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-4139. A communication from the Deputy Assistant General Counsel, Pipeline and Hazardous Safety Administration, Department of Transportation, transmitting, pur-

suant to law, the report of a nomination for the position of Administrator, received on November 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4140. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Amendment 84 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area" (RIN0648-AU03) received on November 26, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4141. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Surflam Minimum Size Suspension for 2008—Temporary Rule" (RIN0648-XD25) received on November 26, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4142. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Pot Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XD53) received on November 26, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4143. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska" (RIN0648-XD32) received on November 26, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4144. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Vessels Participating in the Rockfish Entry Level Fishery in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XC73) received on November 26, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4145. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Inseason Closure of the Commercial Fishery for Gulf Group King Mackerel in the Gulf of Mexico Western Zone for the 2007-2008 Fishing Year" (RIN0648-XC59) received on November 26, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4146. A communication from the Administrator and Chief Executive Officer, Bonneville Power Administration, Department of Energy, transmitting, pursuant to law, the Administration's Annual Report for fiscal year 2007; to the Committee on Energy and Natural Resources.

EC-4147. A communication from the Secretary of Energy and the Secretary of the Interior, transmitting, pursuant to law, a report relative to the cost for implementation of the Rocky Flats National Wildlife Refuge Act of 2001 during fiscal year 2006; to the Committee on Environment and Public Works.

EC-4148. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Clarification of NRC Civil Penalty Author-

ity over Contractors and Subcontractors Who Discriminate Against Employees for Engaging in Protected Activities" (RIN3150-AH59) received on November 27, 2007; to the Committee on Environment and Public Works.

EC-4149. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Plan to Implement Medicare Hospital Value-Based Purchasing"; to the Committee on Finance.

EC-4150. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007-265—2007-272); to the Committee on Foreign Relations.

EC-4151. A communication from the Acting Assistant Administrator, Bureau for Legislative and Public Affairs, United States Agency for International Development, transmitting, pursuant to law, a report entitled "Multilateral Development Banks' Assistance Proposals Likely to Have Adverse fml:Impacts on the Environment, Natural Resources, Public Health and Indigenous Peoples"; to the Committee on Foreign Relations.

EC-4152. A communication from the White House Liaison, Office of Planning, Evaluation, and Policy Development, Department of Education, transmitting, pursuant to law, the report of action on a nomination and discontinuation of service in an acting role for the position of Assistant Secretary (Planning, Evaluation, and Policy), received on November 30, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-4153. A communication from the Assistant General Counsel, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program" (RIN1840-AC89) received on November 26, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-4154. A communication from the Assistant General Counsel, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Academic Competitiveness Grant Program and National Science and Mathematics Access to Retain Talent Grant Program" (RIN1840-AC92) received on November 26, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-4155. A communication from the Assistant General Counsel, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Federal Student Aid Programs" (RIN1840-AC91) received on November 26, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-4156. A communication from the Assistant General Counsel, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program" (RIN1840-AC88) received on November 26, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-4157. A communication from the Acting Secretary of Veterans Affairs, transmitting, pursuant to law, the Department's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4158. A communication from the Executive Director, Office of Navajo and Hopi Indian Relocation, transmitting, pursuant to

law, the audit performed on the agency for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4159. A communication from the Chairman, National Mediation Board, transmitting, pursuant to law, the Board's Annual Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4160. A communication from the Secretary, Postal Regulatory Commission, transmitting, pursuant to law, the report of a vacancy in the position of Commissioner, received on November 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4161. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the Agency's Financial Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4162. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to law, the Semiannual Report of the Board's Inspector General for the period ending September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4163. A communication from the Chief Human Capital Officer, Department of Energy, transmitting, pursuant to law, an annual report on the category rating system; to the Committee on Homeland Security and Governmental Affairs.

EC-4164. A communication from the Chairman, Occupational Safety and Health Review Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4165. A communication from the Acting Chairman, Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4166. A communication from the National Treasurer, Navy Wives Club of America, transmitting, pursuant to law, a report relative to the latest audit of the organization; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-258. A resolution adopted by the Council of the City of Espanola of the State of New Mexico in support of maintaining current federal funding levels for the operation of the Los Alamos National Laboratory; to the Committee on Energy and Natural Resources.

POM-259. A resolution adopted by the Town Council of the Town of Hypoluxo in the State of Florida urging Congress to appropriate funds necessary to bring the Herbert Hoover Dike into compliance with current levee protection safety standards; to the Committee on Environment and Public Works.

POM-260. A resolution adopted by the Cook County Board of the State of Illinois urging Congress to support the H-1 B and L-1 B Visa Fraud and Abuse Prevention Act of 2007; to the Committee on the Judiciary.

POM-261. A resolution adopted by the Senate of the State of New York urging the New York State Congressional Delegation to make the Do Not Call Registry permanent; to the Committee on Commerce, Science, and Transportation.

RESOLUTION

Whereas, the Do Not Call Registry was established in the State of New York in 2000 to protect citizens from unwanted sales calls; it was made more effective in 2003, when it merged with the National Do Not Call Registry; and

Whereas, the National Do Not Call Registry provides citizens across the state and country with the privacy they deserve and adequate penalties for businesses which violate that privacy by persisting with unwanted phone calls; and

Whereas, the merging of the two Do Not Call Registries has effectively protected New York State residents from bothersome and unwanted phone solicitations for the last five years; and

Whereas, Due to the five year expiration of the National Do Not Call Registry, many of the first enrollees will soon again be vulnerable to telephone solicitations unless they re-enroll; Now, therefore, be it

Resolved, That this Legislative Body pause in its deliberations to urge the New York State Congressional Delegation to eliminate the 5-year expiration date and make the National Do Not Call Registry permanent; and be it further

Resolved, That copies of this Resolution, suitably engrossed, be transmitted to the President of the Senate of the United States, the Speaker of the House of Representatives, and to each member of the Congress of the United States from the State of New York.

POM-262. A resolution adopted by the California State Lands Commission expressing its support for S. 1870 and H.R. 2421; to the Committee on Environment and Public Works.

RESOLUTION

Whereas, the California State Lands Commission has jurisdiction over the state-owned tide and submerged lands below the mean high tide line out to three miles from the coast as well as the lands underlying California's bays, lakes, and rivers; and

Whereas, the Commission is charged with managing these lands pursuant to the Public Trust Doctrine, common law that requires these lands to be used for commerce, fishing, navigation, recreation, and environmental protection; and

Whereas, the Commission has acquired thousands of acres of valuable wetlands and lands to be restored to wetlands such as Bolsa Chica and the Cosumnes River wetlands; and

Whereas, the Commission is gravely concerned about the adverse effects greenhouse gases and climate change will have on the environmental, economic, and public value of the state lands it holds in trust; and

Whereas, wetlands have been identified as significant storehouses of carbon, possibly storing as much as 40% of global terrestrial carbon; and

Whereas, the drainage and degradation of wetlands releases large quantities of carbon dioxide (the gas that accounts for at least 60% of global warming) as well as other greenhouse gases contributing to climate change; and

Whereas, there are approximately 100 million wetland acres remaining in the continental United States, which are decreasing about 60,000 acres annually; and

Whereas, if wetlands are functioning properly, they provide not only protection against global warming, but also water quality protection, fish and wildlife habitat, natural floodwater storage, reduction in the erosive potential of surface water, and popular recreational uses; and

Whereas, wetlands have been used to manage wastewater: as the water passes through

the wetlands, suspended particles settle; pollutants are broken down by plants, microorganisms, and sediment; nutrients are absorbed; and pathogens die off; and

Whereas, wetlands are among the most biologically productive ecosystems, essential to the survival of more than one-third of the threatened and endangered species in the United States; and

Whereas, wetlands provide public use benefits, supplying opportunities for enjoying nature, hiking, biking, bird watching, hunting, fishing, and scientific study, which in the aggregate, generate several billions of dollars annually in the United States; and

Whereas, in 1972, Congress passed the Clean Water Act ("the Act") to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. The Act contains Section 404, which established a permit program involving the Environmental Protection Agency and the U.S. Army Corps of Engineers ("the Corps") to regulate discharges of pollutants (e.g. waste discharge and dredged and fill materials) into waters of the United States; and

Whereas, in 1977, the Corps issued final regulations on the permit program and explicitly included in its definition of "waters of the United States" any "isolated wetlands and lakes, intermittent streams, prairie potholes, and other waters that are not part of the tributary system to interstate waters or to navigable waters of the United States, the degradation or destruction of which could affect interstate commerce."; and

Whereas, in 2001 and compounded by a joint decision in 2006, the United States Supreme Court, first in *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers* (SWANCC) and then in *Rapanos v. United States*, issued decisions that reduced the jurisdictional scope of the Clean Water Act, undermining decades of clean water protection, and jeopardizing the future of wetlands and other waters of the United States; and

Whereas, the opinions of the split court in *Rapanos* have created great confusion as to the actual scope of the Clean Water Act, making implementation of the Act resource intensive and subject to litigation; and

Whereas, the Clean Water Restoration Act of 2007, introduced by Senator Feingold through S. 1870, and Congressman Oberstar through H.R. 2421, seeks to end jurisdictional confusion left in the wake of the *Rapanos* case by codifying the Corps' definition of "waters of the United States," which federal agencies have used to enforce the Clean Water Act for over 30 years; Therefore be it

Resolved by the California State Lands Commission, That it supports the Clean Water Restoration Act of 2007 (S. 1870 and H.R. 2421), which would affirm federal protections for waters of the United States, including wetlands, tributaries, headwaters and streams, through the Clean Water Act; and be it further

Resolved, That the Commission's Executive Officer transmit copies of this resolution to the President and Vice President of the United States, to the Governor of California, to the Majority and Minority Leaders of the United States Senate, to the Speaker and Minority Leader of the United States House of Representatives, to the Chairs and Ranking Minority Members of the Senate Committee on Environment and Public Works, the House Committee on Energy and Commerce, to each Senator and Representative from California in the Congress of the United States, to the U.S. Army Corps of Engineers, and to the Environmental Protection Agency.

POM-263. A resolution adopted by the Senate of the State of Michigan in support of